



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,570	01/10/2002	Andrew Myers	23452-149	5211

909 7590 08/09/2005

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

NGUYEN, VAN H

ART UNIT	PAPER NUMBER
----------	--------------

2194

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,570

Applicant(s)

MYERS, ANDREW

Examiner

VAN H. NGUYEN

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-28 are currently presented in this application.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-3, 6, 7-9, 12-15, 18-21, and 24-8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Szymanski et al.** (US 5,566,337).
4. **As to claim 1:**

Szymanski teaches the invention as claimed including a system for providing notification of events in a unified communications services network (*e.g., a system is provided for distributing information about events; col.2, lines 32-33*) the system comprising:

- (i) a network (*e.g., network 27; fig.1*) that provides unified communications services to subscribers that enable the subscribers to share information, the unified communications services comprising application processes (*e.g., Subscription matrix 330 is a structure that maintains the information about all existing event subscriptions. In particular, the subscription*

matrix 330 is used to keep track of the subscriptions for the events in which the broadcast consumers are interested; col. 7, lines 60-65);

- (ii) *an event filter (e.g., filtering event; col.4, lines 50-51 and col.12, lines 8-9) in communication with an event generating application process (e.g., at least one event producer...generating an event; col.2, lines 29-30, 45-46, and col.7, lines 1-2), wherein the event filter performs a first level filtering of notification of an event generated by the event generating application process (e.g., specifying a set of events of which an event consumer is to be informed; col.2, lines 64-67);*
- (iii) *an event manager that receives the notification of the event from the event filter over the network , and disperses the event over the network (e.g., an event manager... receiving the event... distributing an appropriate event to an appropriate event consumer; see the abstract; col.2, lines 52-56; and col.17, lines 20-25); and*
- (iv) *a notification handler that receives the notification of the event (e.g., event consumers receive the event from the event manager control unit; col.17, lines 20-25, 58-61 and figs. 9A and 9B) and disposes of the event (e.g., a DisposeBroadcastConsumer call; col.12, line 32/each sequential consumer can...declare that the event has been handled; col.17, lines 61-64).*

5. **As to claim 2:**

Szymanski teaches the first level filtering is performed based on an event type of the event (*e.g., event kind; fig. 7/an event identifier which indicates the kind of event; col.4, lines 2-4*).

6. **As to claim 3:**

Szymanski teaches the first level filtering is performed based on a priority level for the event (*e.g., event priority; col.7, lines 30-34*).

7. **As to claim 6:**

Szymanski teaches the notification handler performs a second level filtering of notification of the event (*e.g., broadcast consumers and sequential consumers; col.11, line 61- col.12, line 7*).

8. **As to claim 25:**

Szymanski teaches the notification handler performs the second level filtering of notification of the event by determining whether contents of the event meet second level filtering criteria established by a subscriber, and communicating the event to the subscriber if the contents of the event meet the second level filtering criteria associated with the subscriber (*see fig.9B and the associated text*)).

9. **As to claims 7-9, 12, and 26:**

Note the rejection of claims 1-3, 6, and 25 above. Claims 7-9, 12, and 26 are the same as claims 1-3, 6, and 25, except claims 7-9, 12, and 26 are method claims and claims 1-3, 6, and 25 are system claims.

10. **As to claims 13-15, 18, and 27:**

They include the same limitations as claims 1-3, 6, and 25 above, and are similarly rejected under the same rationale.

11. **As to claims 19-21, 24, and 28:**

Note the rejection of claims 1-3, 6, and 25 above. Claims 19-21, 24, and 28 are the same as claims 1-3, 6, and 25, except claims 19-21, 24, and 28 are processor readable medium claims and claims 1-3 and 6 are system claims.

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 4, 10, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Szymanski et al.** in view of **Johnson et al.** (U.S. 5,925,108).

14. **As to claim 4:**

a. Szymanski teaches a plurality of event generating application processes (*e.g.*, *event producers 300; fig.2*) and a plurality of notification handlers (*e.g.*, *consumers 310 and 360; fig.2*). Additionally, Szymanski teaches registering of the plurality of notification handlers with the event manager (*e.g.*, *broadcast consumers...register with event manager 800; fig. 11*).

Art Unit: 2194

- b. Szymanski, however, does not specifically teach a registration manager that manages the registration of the plurality of notification handlers, and provides awareness of registered notification handlers to at least one of the plurality of event generating application processes.
- c. Johnson teaches a registration manager that manages the registration of the plurality of notification handlers (*e.g., registering at least one event consumer with a registry capable of holding multiple registrations; col.5, lines 63-65*), and provides awareness of registered notification handlers to at least one of the plurality of event generating processes (*e.g., registration produces a record containing at least an identifier for the producer and the type of event it produces; col.6, lines 22-30*).
- d. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Johnson and Szymanski because Johnson's teaching would have provided the capability for allowing an event notification to be sent to multiple destinations according to a predefined order and allowing event handler code to be located in the source modules affiliated with the respective tasks to be accomplished.

15. **As to claim 10:**

Note the rejection of claim 4 above. Claim 10 is the same as claim 4, except claim 10 is a method claim and claim 4 is a system claim.

16. **As to claim 16:**

It includes the same limitations as claim 4 above, and is similarly rejected under the same rationale.

17. **As to claim 22:**

Note the rejection of claim 4 above. Claim 22 is the same as claim 4, except claim 22 is a processor readable medium claim and claim 4 is a system claim.

18. Claim 5, 11, 17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Szymanski et al.** in view of **Johnson et al.** as applied to claim 1 and 4 above and further in view of **Woodring et al.** (U.S. 6,519,686).

19. **As to claim 5:**

- a. Johnson teaches the registration manager maintains a list (*e.g., a record; col.5, line 66*) of currently registered notification handlers (*e.g., event consumers; col.5, lines 66-67*) and wherein the plurality of event generating application processes may query the list of currently registered notification handlers (*e.g., registration...generally creates a record of which event consumers to notify in response to which events; col.5, lines 66-67*).
- b. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Johnson and Szymanski because Johnson's teaching would have provided the capability for allowing the producers to notify and forward an event to an appropriate consumer.

Art Unit: 2194

- d. The combination of Szymanski and Johnson does not specifically teach the use of a shared memory.
- e. Woodring teaches the use of a shared memory (e.g., a shared memory *is provided between the producer and at least one of N consumers; see the abstract*).
- f. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Woodring and Szymanski as modified by Johnson because Woodring's shared memory mechanism would have provided the capability for saving a significant amount of memory. In addition, the processor cycles are not wasted in copy operations resulting in significant saving in processor cycles and processing time.

20 **As to claim 11:**

Note the rejection of claim 5 above. Claim 11 is the same as claim 5, except claim 11 is a method claim and claim 5 is a system claim.

21 **As to claim 16:**

It includes the same limitations as claim 5 above, and is similarly rejected under the same rationale.

22. **As to claim 23:**

Note the rejection of claim 5 above. Claim 23 is the same as claim 5, except claim 23 is a processor readable medium claim and claim 5 is a system claim.

Response to Arguments

23. Applicant's arguments filed March 16, 2005 have been fully considered but they are not persuasive.
24. In the remarks, Applicant argued in substance that (a) Szymanski does not disclose a network that provides unified communications services to subscribers that enable the subscribers to share information, the unified communications services comprising application processes and (b) there is no motivation to combine Szymanski with Johnson to create a network of computers...modifications involving more than one computer.
25. Examiner respectfully traverses Applicant's remarks.
 - (i) As to point (a), Szymanski meets the newly added a network (*e.g.*, *network 27; fig.1*) that provides unified communications services to subscribers that enable the subscribers to share information, the unified communications services comprising application processes (*e.g.*, *Subscription matrix 330 is a structure that maintains the information about all existing event subscriptions. In particular, the subscription matrix 330 is used to keep track of the subscriptions for the events in which the broadcast consumers are interested; col. 7, lines 60-65*).
 - (ii) As to point (b), "a network of computers" or "more than one computer" is not claimed. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. See *In re Self*, 213 USPQ 1,5 (CCPA 1982); *In re Priest*, 199 USPQ 11, 15 (CCPA 1978). The Examiner

has a duty and responsibility to the public and to Applicant to interpret the claims as broadly as reasonably possible during prosecution (see *In re Prater*, 56 CCPA 1381, 415 F.2d 1393, 162 USPQ 541 (1969)).

The scope of the claimed “a network” clearly transcends the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention.

Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, *In re Self*, 213 USPQ 1 (CCPA 1982), *In re Priest*, 199 USPQ 11 (1978). The recited “a network” is clearly subject to a broad interpretation as detailed in the rejections maintained above.

During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” *In re Hyatt* 21 1 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (1989) “During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language

explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”

26. Accordingly, the cited references do teach the recited claim limitations as shown through the mapping provided in the claim rejections.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
28. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
29. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Art Unit: 2194


Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Meng-Ai An can be reached on (571) 272-3756.

The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:
Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450**


**MENG-AI. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**